

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**TZVIA WEXLER,**

**Plaintiff,**

**v.**

**OFFICER CHARMAINE HAWKINS, et al.,  
Defendants.**

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**Civil Action  
No. 19-5760**

**REPORT OF RULE 26(F) MEETING AND PROPOSED DISCOVERY PLAN**

In accordance with Federal Rule of Civil Procedure 26(f) and the Court's policies and procedures, counsel for Plaintiff and counsel for Defendants conferred on March 4, 2020 and hereby submit the following Report of their meeting for the Court's consideration:

**1. Discussion of Claims, Defenses, and Relevant Issues**

**Plaintiff:**

The claims arise under the United States Constitution, particularly under the provisions of the First, Fourth and Fourteenth Amendments to the United States Constitution, and under the laws of the United States, particularly under the Civil Rights Act, Title 42 of the United States Code, Section 1983. Plaintiff contends that defendants assaulted her, falsely arrested her, illegally detained her, filed false charges against her and lied in police paperwork and under oath at a court hearing. If defendants did not collect and retain the body-cam footage, spoliation could be a relevant issue. Plaintiff does not agree that there are any issues relating to causation or damages. Plaintiff does not agree that the defendants are protected by any defenses, immunities, or limitations of damages. Additionally, the Philadelphia District Attorney's Office dropped all charges against Plaintiff after Plaintiff filed a Motion to Quash the Bills of Information.

Defendants:

Defendants contend that probable cause existed to arrest Plaintiff for one, if not all of the crimes for which she was charged. Further, Defendants contend that the amount of force used was appropriate and not excessive. Finally, the charges against Plaintiff were held over at a preliminary hearing. Defendants assert the following affirmative defenses: qualified immunity; Plaintiff's claims are barred, in whole or in part, to the extent that she has failed to take reasonable measures to mitigate any or all damages; Plaintiff's injuries were not caused in part or wholly by Defendants; law enforcement privilege; probable cause existed to arrest Plaintiff; the criminal charges did not terminate in her favor; and all of the defenses, immunities, and limitations of damages available under the "Political Subdivision Tort Claims Act."

**2. Initial and Informal Disclosures**

The parties exchanged initial disclosures on March 4, 2020.

**3. Formal Discovery**

The parties request 180 days from the date of the Court's scheduling order to complete fact discovery. The parties anticipate exchanging written discovery requests and taking depositions of Plaintiff, Defendants and any eyewitnesses.

Should expert witnesses be necessary, the parties request that expert discovery be completed 30 days after the close of discovery. The parties propose that dispositive motions be due 30 days after expert discovery closes.

**4. Electronic Discovery**

The parties do not anticipate the need to exchange electronic discovery in this matter.

**5. Expert Witness Disclosures**

Should expert witnesses be necessary, the parties request that expert discovery be completed 30 days after the close of discovery, with *Daubert* motions filed within 30 days after expert discovery closes.

## **6. Early Settlement or Resolution**

The parties would be interested in attending a settlement conference before a Magistrate Judge at or near the end of discovery, when the parties have had the opportunity to depose all witnesses.

## **7. Trial Date**

The parties anticipate this matter will be trial-ready in December 2020.

**Date:** March 4, 2020

Respectfully submitted,

/s/ Shannon Zabel

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, the Joint Rule 26(f) Report was filed via the Court's electronic filing system and is available for viewing and downloading by all parties of record.

Date: March 4, 2020

Respectfully submitted,

/s/ Shannon Zabel

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